

Dobbs International Service, Inc. and Hotel Employees & Restaurant Employees, Local 5, AFL-CIO, Petitioner. Case 37-RC-3057

November 8, 1991

DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND OVIATT

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Hearing Officer Tony Bisceglia. Following the hearing, and pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations, the case was transferred to the National Labor Relations Board for decision.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has reviewed the hearing officer's rulings made at the hearing and finds that they are free from prejudicial error. They are affirmed.

Dobbs International Service, Inc. (Dobbs) is a Delaware corporation which provides nonretail in-flight catering services to various air carriers at different locations including Honolulu, Hawaii, and Los Angeles, California. In 1983, Dobbs entered into a partnership with a subsidiary of Singapore Airlines to operate Dobbs' facilities at Honolulu and Los Angeles. The new partnership was called SAPADO I. The Union seeks to represent a unit of the Employer's employees

at the Honolulu location.¹ It was stipulated at the hearing that during the preceding 12 months the Employer had performed services valued in excess of \$50,000 for customers located outside the State of Hawaii.

The Employer contends that the instant petition should be dismissed for lack of jurisdiction by the National Labor Relations Board. The Petitioner, on the other hand, contends that the National Labor Relations Board should assert jurisdiction in this case.

Section 2(2) of the Act provides in pertinent part that the term "employer" as used in the National Labor Relations Act should not include any person subject to the Railway Labor Act.

Accordingly, because of the nature of the jurisdictional question presented here, we requested the National Mediation Board to study the record in this case and to determine the applicability of the Railway Labor Act to Dobbs. In reply, we were advised by the National Mediation Board that the board had concluded:

Based upon the record in this case, the Board is of the opinion that SAPADO I's Honolulu operations and its employees are subject to the Railway Labor Act.²

In view of the foregoing, we shall dismiss the instant petition.

ORDER

It is ordered that the petition in Case 37-RC-3057 is dismissed.

¹ There was a dispute at the hearing regarding the correct legal identity of the Employer.

² *SAPADO I*, 18 NMB No. 102 (Sept. 26, 1991).